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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,811	03/18/2004	Tetsuji Sato	250645US2	5882
22850	7590	06/15/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				ALEJANDRO MULERO, LUZ L
ART UNIT		PAPER NUMBER		
		1763		

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/802,811	SATO, TETSUJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Luz L. Alejandro	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, does not provide support for the limitation "wherein the inner space of the vacuum chamber maintained in vacuum remains constant while the distance between the upper and lower electrode is varied". It does appear that when the distances are varied the inner space of the vacuum chamber maintained in vacuum will vary because, for example, more of the lower electrode will protrude into the vacuum chamber thereby reducing the space in the vacuum chamber maintained in vacuum.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al., WO 00/24047 in view of Koshimizu, U.S. Patent 5,997,687.

Hirayama et al. shows the invention substantially as claimed including a plasma processing apparatus comprising: a vacuum chamber accommodating therein a substrate 104 to be processed, allowing an inner space of the vacuum chamber to be maintained at a vacuum level; a first electrode 104 (see fig. 8) fixedly disposed at a location in the vacuum chamber; a shower plate 114 installed in the vacuum chamber and facing the first electrode, the shower plate being vertically movable so as to vary a distance between the first electrode and the shower plate; a driving mechanism 109 for vertically moving the shower plate, the driving mechanism being installed outside the vacuum chamber; a bellows unit 106 for air-tightly sealing an opening, the bellows unit having a frame-shaped member (for example, 102 or 110) and an upper bellows portion, lower bellows portion, and a ring member (see uppermost portion of reference number 102 that is separated by a line in fig. 2 which denotes a ring-shaped member and is disposed between upper and lower portions of the bellows) connected to the driving mechanism, wherein the opening, through which the shower plate is driven by the driving mechanism from the outside of the vacuum chamber, is provided at the vacuum chamber; an electrode supporting member 107 for connecting the frame-shaped member to the shower plate, the shower plate being installed in the vacuum chamber; and a high frequency power source (for example, 404) for generating plasma

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by supplying a high frequency power between the first electrode and the second electrode (see abstract and figs. 2-3, 5, and 8).

Hirayama et al. does not expressly disclose the shower plate being a second electrode. Koshimizu discloses a shower plate 112 that is also a second electrode for generating plasma and has a high frequency power source 128 for supplying plasma (see fig. 1 and its description). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hirayama et al. so as to have the shower plate as a second electrode because such an apparatus will be capable of effectively and efficiently supplying a uniform concentration of plasma throughout the chamber.

With respect to claims 2-3, note that in the apparatus of Hirayama et al. modified by Koshimizu the first electrode and the second electrode are a lower electrode and an upper electrode, and the upper electrode is supported from underneath the lower electrode.

Concerning claim 4, note that Hirayama et al. does not expressly disclose an exhaust ring for uniformly exhausting the vacuum chamber. Koshimizu discloses an exhaust ring 117 for uniformly exhausting the vacuum chamber (see col. 5-lines 15-20). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hirayama et al. so as to include the exhaust ring of Koshimizu because such a configuration allows for the discharge flow to be straightened thereby improving exhaustion.

Regarding claim 5, note that the electrode supporting member includes a cylindrical member 107 or 121 for protecting an inner wall of the vacuum chamber.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al., WO 00/24047 in view of Koshimizu, U.S. Patent 5,997,687 as applied to claims 1-5 above, and further in view of Denpoh, US 2003/0062128 or Tanaka et al., US 2004/0020599.

Hirayama et al. and Koshimizu are applied as above but do not expressly disclose a substrate supporting member for supporting the substrate to be processed above the lower electrode, the substrate supporting member being vertically movable by the driving mechanism to pass through the lower electrode. Denpoh discloses a substrate supporting member 17 for supporting the substrate to be processed above the lower electrode, the substrate supporting member being vertically movable by a driving mechanism to pass through the lower electrode (see fig. 1 and its description). Furthermore, Tanaka et al. discloses a substrate supporting member 16 for supporting the substrate to be processed above the lower electrode, the substrate supporting member being vertically movable by a driving mechanism to pass through the lower electrode (see fig. 6 and its description). In view of these disclosures, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hirayama et al. modified by Koshimizu so as to include the substrate supporting member as suggested by Denpoh or Tanaka et al. because such a supporting structure allows for easy movement and support of the wafer.

**Response to Arguments**

Applicant's arguments filed 4/3/06 have been fully considered but they are not persuasive. Applicant argues that the Hirayama et al. reference fails to show the limitation of the second electrode being vertically movable so as to vary a distance between the first electrode and the second electrode. However, note from figs. 2 and 3 that it appears the second electrode will be vertically movable so as to vary a distance between the first electrode and the second electrode because of the presence of the bellows 106. With respect to the configuration of the bellows and particularly the ring-shaped member, see uppermost portion of reference number 102 that is separated by a line in fig. 2 which denotes a ring-shaped member and is disposed between upper and lower portions of the bellows.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

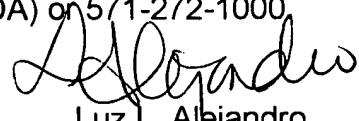
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luz L. Alejandro whose telephone number is 571-272-1430. The examiner can normally be reached on Monday to Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Luz L. Alejandro  
Primary Examiner  
Art Unit 1763

June 12, 2006